

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

MELANIE HOOKS WILTSHIRE

PLAINTIFF

V.

CIVIL ACTION NO. 4:13CV255-SAA

**CAROLYN W. COLVIN,
ACTING COMMISSIONER OF
SOCIAL SECURITY**

DEFENDANT

ORDER GRANTING PAYMENT OF ATTORNEY'S FEES

Plaintiff seeks an award of attorney fees of \$6,294.00 paid under the Equal Access to Justice Act, 28 U.S.C. § 2412. The requested award represents 1.5 hours of work in 2013 at the rate of \$187.00.00 per hour and 31.65 hours of work in 2014 at the rate of \$190.00 per hour.

Defendant does not oppose plaintiff's request for compensation for 33.15 hours of work, but does oppose the request for compensation at the hourly rate of \$187.00 per hour for work done in 2013 and \$190.00 per hour for work done in 2014. It is defendant's contention that plaintiff's EAJA rates are not reasonable, and requests instead that the court use the "South urban" area CPI numbers and the "Annual" or HALF1" numbers, as applicable. Further, defendant asserts that under *Astrue v. Ratliff*, 130 S.Ct. 2521 (2010) the fees must be made payable to the plaintiff.

In her reply to defendant's response plaintiff requests a supplemental award for the time expended defending the fee petition. Because defendant did not object to this request, the court is of the opinion it should be granted.

The awarding of EAJA fees and the method used to calculate those fees has recently been addressed by this court in *Fowler v. Colvin*, Civil Case No. 4:14cv039-JMV. In accordance

with that ruling, and to assure uniformity among counsel who represent Social Security claimants in this district, it is

ORDERED

that the defendant pay the plaintiff \$7,013.23 in attorney's fees, representing 1.5 hours of attorney work performed in 2013 at the rate of \$185.96 per hour, 31.65 hours of attorney work performed in 2014 and 4 hours for defending the fee petition in 2014, both at the rate of \$188.90 per hour. Defendant will mail the award to plaintiff's attorney.

This, the 22nd day of December, 2014.

/s/ S. Allan Alexander
UNITED STATES MAGISTRATE JUDGE